

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: KATRINA CANAL BREACHES	*	CIVIL ACTION
CONSOLIDATED LITIGATION	*	
	*	NO. 05-4182 "K"(2)
PERTAINS TO: ROAD HOME	*	
<i>Louisiana State, C.A. No. 07-5528</i>	*	JUDGE DUVAL
	*	
	*	MAGISTRATE WILKINSON

**MOTION OF STATE FARM FIRE AND CASUALTY COMPANY
AND CERTAIN OTHER INSURER DEFENDANTS
TO DISQUALIFY PLAINTIFF'S PRIVATE COUNSEL**

Defendants State Farm Fire and Casualty Company, State Farm General Insurance Company, Aegis Security Insurance Company, Lafayette Insurance Company, United Fire and Casualty Company, United Fire and Indemnity Company, America First Insurance Company, Liberty Mutual Fire Insurance Company, Liberty Mutual Insurance Company, Metlife, Inc., Economy Premier Assurance Company, Metropolitan Casualty Insurance Company, Metropolitan Property and Casualty Insurance Company, Farmers Insurance Exchange, Foremost Insurance Company, Foremost Property and Casualty Company, Foremost Signature Insurance Company, United Services Automobile Association, also separately named by plaintiffs as USAA, USAA Casualty Insurance Company and USAA General Indemnity

Company, The Hanover Insurance Company, The Hanover American Insurance Company, Massachusetts Bay Insurance Company, American Manufacturers Mutual Insurance Company, Kemper Casualty Insurance Company, Lumbermens Mutual Casualty Company, Merastar Insurance Company, Unitrin Preferred Insurance Company, Unitrin Auto and Home Insurance Company, Trinity Universal Insurance Company, Trinity Universal Insurance Company of Kansas, Inc., Homesite Insurance Company, Fidelity National Insurance Company, Fidelity National Property and Casualty Insurance Company, Union National Fire Insurance Company, Fidelity and Deposit Company of Maryland, Empire Fire and Marine Insurance Company, Empire Indemnity Insurance Company, Centre Insurance Company, ZC Sterling Insurance Agency, Inc., ZC Sterling Corporation, Allstate Insurance Company, Allstate Indemnity Company, Encompass Insurance Company, Encompass Insurance Company of America, Encompass Property and Casualty Company, Horace Mann Insurance Company, Teachers Insurance Company, Horace Mann Property and Casualty Insurance Company, Auto Club Family Insurance Company, Scottsdale Indemnity Company, Scottsdale Insurance Company, The Standard Fire Insurance Company, "St. Paul" (a non-existent entity), "St. Paul Travelers Insurance Company" (a non-existent entity), St. Paul Fire & Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, St. Paul Protective Insurance Company, St. Paul Surplus Lines Insurance Company, Travelers Casualty Insurance Company of America, Travelers Casualty and Surety Company, Travelers Home & Marine Insurance Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America, The Travelers Indemnity Company of Connecticut, Travelers Insurance Company (a non-existent entity), Travelers Property Casualty Company of America, Travelers Property Casualty Insurance Company, and The Automobile Insurance Company of Hartford,

Connecticut, (collectively "Defendants") respectfully move the Court for an Order disqualifying the private attorneys who have entered appearances on behalf of Plaintiff in the *Road Home* Action, identified as the State of Louisiana, individually and on behalf of State of Louisiana, Division of Administration, Office of Community Development *ex rel* The Honorable Charles C. Foti, Jr., the Attorney General for the State of Louisiana. Disqualification is warranted because, as set forth in the attached Memorandum in support of this Motion, (1) there are significant conflicts arising out of these private attorneys' simultaneous representation of both (a) insureds who are seeking to recover insurance proceeds under property insurance policies, and (b) the State, which is asserting a right to some or all of those insurance proceeds; and (2) the available evidence suggests that all of the private law firms representing the State in the *Road Home* action are proceeding under engagement arrangements that violate Louisiana law.

WHEREFORE, Defendants pray that their Motion be granted and that the Court enter an Order disqualifying the private attorneys who have entered appearances on behalf of the Plaintiff in the *Road Home* Action.

Respectfully submitted,

/s/ Wayne J. Lee

Wayne J. Lee, 7916

wlee@stonepigman.com

Stephen G. Bullock, 3648

sbullock@stonepigman.com

Mary L. Dumestre, 8873

mdumestre@stonepigman.com

Andrea L. Fannin, 26280

afannin@stonepigman.com

Of

STONE PIGMAN WALTHER

WITTMANN L.L.C.

546 Carondelet Street

New Orleans, Louisiana 70130

Telephone: (504) 581-3200

Facsimile: (504) 581-3361

And

Charles L. Chassaignac IV, 20746
cchassaignac@phjlaw.com

Of

PORTEOUS, HAINKEL
& JOHNSON, L.L.P.
343 Third Street, Suite 202
Baton Rouge, Louisiana 70801
Telephone: (225)383-8900
Facsimile: (225) 383-7900

*Attorneys for State Farm Fire and Casualty
Company and State Farm General
Insurance Company*

/s/ Maura Z. Pelleteri

Maura Z. Pelleteri, 8463
Amy S. Malish, 28992

Of

KREBS, FARLEY & PELLETERI, L.L.C.
Texaco, Center, Suite 2500
400 Poydras Street
New Orleans, Louisiana 70130
Telephone: (504) 299-3570
Facsimile: (504) 299-3582

*Attorneys for Aegis Security Insurance
Company*

/s/ Howard B. Kaplan

Howard B. Kaplan, 14414

Of

BERNARD CASSISA ELLIOTT & DAVIS
1615 Metairie Road
P.O. Box 55490
Metairie, Louisiana 70055-5490
Telephone: (504) 834-2612

*Attorneys for Lafayette Insurance Company,
United Fire and Casualty Company and
United Fire and Indemnity Company*

/s/ Judy Y. Barrasso

Judy Y. Barrasso, 2814
H. Minor Pipes, III, 24603
Stephen L. Miles, 31263

Of

BARRASSO USDIN KUPPERMAN
FREEMAN & SARVER, L.L.C.
909 Poydras Street, Suite 2400
New Orleans, Louisiana 70112
Telephone: (504) 589-9700
Facsimile: (504) 589-9701

*Attorneys for America First Insurance
Company, Liberty Mutual Fire Insurance
Company, and Liberty Mutual Insurance
Company*

/s/ Judy Y. Barrasso

Judy Y. Barrasso, 2814
H. Minor Pipes, III, 24603
Stephen L. Miles, 31263

Of

BARRASSO USDIN KUPPERMAN
FREEMAN & SARVER, L.L.C.
909 Poydras Street, Suite 2400
New Orleans, Louisiana 70112
Telephone: (504) 589-9700
Facsimile: (504) 589-9701

*Attorneys for Metlife, Inc., Economy
Premier Assurance Company, Metropolitan
Casualty Insurance Company, and
Metropolitan Property & Casualty
Insurance Company*

/s/ Seth A. Schmeackle

Seth A. Schmeackle, 27076
Ralph S. Hubbard, III, 7040

Of

LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD
601 Poydras Street, Suite 2775
New Orleans, Louisiana 70130
Telephone: (504) 568-1990

And

Christopher W. Martin,
Texas Bar No. 13057620
Martin R. Sadler,
Texas Bar No. 00788842

Of

MARTIN, DISIERE, JEFFERSON &
WISDOM, L.L.P.

808 Travis Street, Suite 1800
Houston, Texas 77002
Telephone: (713) 632-1700
Facsimile: (713) 222-0101

*Attorneys for United Services Automobile
Association, also separately named by
plaintiffs as USAA, USAA Casualty
Insurance Company and USAA General
Indemnity Company*

/s/ Seth A. Schmeackle

Seth A. Schmeackle, 27076
Ralph S. Hubbard, III, 7040

Of

LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD

601 Poydras Street, Suite 2775
New Orleans, Louisiana 70130
Telephone: (504) 568-1990

And

Of Counsel:

Kevin P. Kamraczewski
Alan S. Gilbert
Paul E. B. Glad
David R. Simonton

Of

SONNENSCHN NATH &
ROSENTHAL LLP

7800 Sears Tower
Chicago, Illinois 60606
Telephone: (312) 876-8000

*Attorneys for The Hanover Insurance
Company, The Hanover American Insurance
Company, and Massachusetts Bay Insurance
Company*

/s/ Deborah B. Rouen

Deborah B. Rouen, 2084
Chris A. D'Amour, 26252

Of

ADAMS AND REESE LLP
4500 One Shell Square
New Orleans, Louisiana 70139
Telephone: (504) 581-3234
Facsimile: (504) 566-0210

*Attorneys for Union National Fire Insurance
Company*

/s/ Dominic J. Ovella

Dominic J. Ovella, 15030
Anne E. Medo, 24556
Sean P. Mount, 27584
Daniel M. Redmann, 30685
John Christopher Dippel, Jr., 30480

Of

HAILEY, MCNAMARA, HALL,
LARMANN & PAPAIE, L.L.P.
One Galleria Boulevard, Suite 1400
P. O. Box 8288
Metairie, Louisiana 70011-8288
Telephone: (504) 836-6500

*Attorneys for Fidelity and Deposit Company
of Maryland, Empire Fire and Marine
Insurance Company, Empire Indemnity
Insurance Company, Centre Insurance
Company, ZC Sterling Insurance Agency,
Inc., and ZC Sterling Corporation*

/s/ Judy Y. Barrasso

Judy Y. Barrasso, 2814
Edward R. Wicker, Jr., 27138
Of

BARRASSO USDIN KUPPERMAN
FREEMAN & SARVER, LLC
LL&E Tower
909 Poydras Street, Suite 1800
New Orleans, Louisiana 70112
Telephone: (504) 589-9700
Facsimile: (504) 589-9701

*Attorneys for Allstate Insurance Company,
Allstate Indemnity Company, Encompass
Insurance Company, Encompass Insurance
Company of America, and Encompass
Property and Casualty Company*

/s/ Seth A. Schmeckle

Seth A. Schmeckle, 27076
Ralph S. Hubbard, III, 7040
Of

LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD
601 Poydras Street, Suite 2775
New Orleans, Louisiana 70130
Telephone: (504) 568-1990

And

Of Counsel:

Kevin P. Kamraczewski
Alan S. Gilbert
Paul E. B. Glad
David R. Simonton

Of

SONNENSCHNIG NATH &
ROSENTHAL LLP
7800 Sears Tower
Chicago, Illinois 60606
Telephone: (312) 876-8000

*Attorneys for Horace Mann Insurance
Company, Teachers Insurance Company,
and Horace Mann Property & Casualty
Insurance Company*

/s/ Alan J. Yacoubian

Alan J. Yacoubian, 17213
Neal J. Favret, 24412
Rachel P. Catalanotto, 31095

Of

JOHNSON, JOHNSON, BARRIOS &
YACOUBIAN

701 Poydras Street, Suite 4700
New Orleans, Louisiana 70139-7708
Telephone: (504) 528-3001

*Attorneys for Auto Club Family Insurance
Company*

/s/ Neil C. Abramson

Neil C. Abramson, 21436
Nora B. Bilbro, 22955
Jacqueline M. Brettner, 30412

Of

PHELPS DUNBAR LLP

Canal Place
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130-6534
Telephone: (504) 566-1311
Facsimile: (504) 568-9130

And

Marshall M. Redmon, 18398

Of

PHELPS DUNBAR LLP

City Plaza
445 North Boulevard, Suite 701
Baton Rouge, Louisiana 70802
Telephone: (225) 346-0285
Facsimile: (225) 381-9197

Attorneys for Homesite Insurance Company

/s/ Harry Rosenberg

Harry Rosenberg, 11465
Jacqueline M. Brettner, 30412

Of

PHELPS DUNBAR LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130-6534
Telephone: (504) 566-1311
Facsimile: (504) 568-9130

*Attorneys for Fidelity National Insurance
Company and Fidelity National Property
and Casualty Insurance Company*

/s/ Marshall M. Redmon

Marshall M. Redmon, 18398

Of

PHELPS DUNBAR LLP
City Plaza
445 North Boulevard, Suite 701
Baton Rouge, Louisiana 70802
Telephone: (225) 346-0285
Facsimile: (225) 381-9197

And

Amy R. Sabrin

Of

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
1440 New York Avenue, NW
Washington, DC 20005
Telephone: (202) 371-7000
Facsimile: (202) 393-5760

*Attorneys for Farmers Insurance Exchange,
Foremost Insurance Company, Foremost
Property and Casualty Company, and
Foremost Signature Insurance Company*

/s/ Neil C. Abramson

Neil C. Abramson, 21436
Jacqueline M. Brettner, 30412
Of
PHELPS DUNBAR LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130-6534
Telephone: (504) 566-1311
Facsimile: (504) 568-9130

Attorneys for American Manufacturers Mutual Insurance Company, Kemper Casualty Insurance Company, Lumbermens Mutual Casualty Company, Merastar Insurance Company, Unitrin Preferred Insurance Company, Unitrin Auto and Home Insurance Company, Trinity Universal Insurance Company, and Trinity Universal Insurance Company of Kansas, Inc.

/s/ Harry Rosenberg

Harry Rosenberg, 11465
Jay R. Sever, 23935
Jacqueline M. Brettner, 30412
Of
PHELPS DUNBAR LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130-6534
Telephone: (504) 566-1311
Facsimile: (504) 568-9130

Attorneys for Scottsdale Indemnity Company and Scottsdale Insurance Company

/s/ Ralph S. Hubbard

Ralph S. Hubbard, III, 7040
Seth A. Schmeckle, 27076
Of
LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD
601 Poydras Street, Suite 2775
New Orleans, Louisiana 70130
Telephone: (504) 568-1990

And

Stephen E. Goldman
Wystan M. Ackerman
Of
ROBINSON & COLE LLP
280 Trumbull Street
Hartford, Connecticut 06103-3597
Telephone: (860) 275-8200
Facsimile: (860) 275-8299

Attorneys for The Standard Fire Insurance Company, "St. Paul" (a non-existent entity), "St. Paul Travelers Insurance Company" (a non-existent entity), St. Paul Fire & Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, St. Paul Protective Insurance Company, St. Paul Surplus Lines Insurance Company, Travelers Casualty Insurance Company of America, Travelers Casualty and Surety Company, Travelers Home & Marine Insurance Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America, The Travelers Indemnity Company of Connecticut, Travelers Insurance Company (a non-existent entity), Travelers Property Casualty Company of America, Travelers Property Casualty Insurance Company, and The Automobile Insurance Company of Hartford, Connecticut

CERTIFICATE

I hereby certify that a copy of the foregoing Motion of State Farm Fire and Casualty Company and Certain Other Insurer Defendants to Disqualify Plaintiff's Private Counsel has been served upon all counsel of record by electronic notice from the Court's CM/EC Filing System, this 9th day of January, 2008.

/s/ Wayne J. Lee